

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 000984

SIPDIS

STATE FOR SA/INS AND PRM
LONDON FOR POL - GURNEY
GENEVA FOR THOMAS-GREENFIELD

E.O. 12958: DECL: 05/28/2013

TAGS: [PREF](#) [PHUM](#) [PREL](#) [NP](#) [CH](#)

SUBJECT: CHINESE PRESSURE NEPAL TO DEPORT TIBETANS

REF: A. KATHMANDU 0753

[B](#). KATHMANDU 0715

Classified By: CDA ROBERT K. BOGGS. REASON: 1.5 (B,D).

[1](#)1. (C) Summary: On May 29 Office of Tibet Representative in Kathmandu Wangchuk Tsering reported that the Department of Immigration was preparing to hand over to representatives of the Chinese Embassy 18 Tibetans detained for immigration violations. The Government of Nepal (GON) has also asked the UNHCR to hand over three Tibetan minors, originally detained with others in the group but later released into UNHCR custody, for deportation as well. Emboffs have intervened with both the Department of Immigration and the Home Ministry to press them not to deport the Tibetans, who have been declared "persons of concern" by UNHCR, but prospects of non-deportation appear bleak. Most alarming is the direct intervention by Chinese diplomats, who had heretofore applied discreet pressure on the GON to dissuade refugees, in attempting to secure the Tibetans' deportation. End summary.

[1](#)2. (SBU) On May 29 Office of Tibet Representative Wangchuk Tsering reported to poloff that a member of his Office had

SIPDIS

run into Chinese diplomats at the Department of Immigration when he went there to pay the fines for 18 Tibetans detained in a Kathmandu jail since April 15 on immigration violations (Refs A and B). According to Tsering, the Chinese had apparently already paid the immigration fines for the 18 (plus a 19th Tibetan who had been arrested separately on similar charges), and the Department of Immigration was preparing to hand them over to the Chinese for deportation. Tsering said he had already informed UNHCR, and asked the

SIPDIS

Embassy to raise the issue with the Ministry of Home and the Department of Immigration.

[1](#)3. (SBU) Emboff contacted Home Ministry Joint Secretary Niranjana Baral (the Secretary was out for the day), who professed to know nothing of the matter. She stressed the importance of abiding by internationally respected norms and established past practice by handing over the detainees to UNHCR, who has declared them "persons of concern." Baral undertook to look into the matter and asked poloff to call back later. Poloff then contacted Immigration Director Subarna Lal Shrestha, who confirmed that the Tibetans would be summarily deported, "as per our regulation," to China. He was unable or unwilling to describe what regulation mandated their deportation (there is no extradition treaty with China), nor would he disclose who had ordered their deportation or paid the fines. In response to poloff's urging that the detainees be turned over to UNHCR, he redirected her to the Home Ministry. In a follow-up conversation, Home Joint Secretary Baral advised that the intervention by the US and other embassies had made the Ministry reconsider the matter. He and his colleagues were thinking carefully about what to do, he said, and would most likely defer deciding until the following day. Poloff reiterated the above-mentioned points and added that deporting Tibetans (eight of whom are minors) to China would be certain to elicit strong negative international reaction, including from the U.S.

[1](#)4. (C) UNHCR Protection Officer Cecilia Becker, who spent several hours at the Department of Immigration in an effort to fend off the deportation order, told poloff that she had observed several Chinese Embassy cars throughout the day in the parking lot. While at the Department, she was confronted by the Chinese DCM, who demanded that UNHCR turn over three Tibetan minors (two aged six and one aged nine) originally arrested with the 18, to him for deportation. He reportedly told her that he "had been waiting all day" for the Tibetans to be turned over, and insinuated that UNHCR was to blame for the delay. Becker said that the the Department of Immigration also asked that the three children be turned over. She told poloff that she will ignore the order, but since the Home Ministry knows where the children are staying, she fears they may be picked up anyway. (She also confirmed that her understanding was that the immigration fines had been paid by the Chinese Embassy.) She said she was

pessimistic that the Tibetans would be able to avoid deportation, but urged the Embassy to continue its efforts.

15. (C) Comment: High-ranking Government of Nepal (GON) officials have indicated to us in the past that pressure from the Chinese Embassy was responsible for their stricter application to Tibetans of immigration regulations. That pressure heretofore had remained discreetly, if no less effectively, behind the scenes. The actions today of Chinese diplomats--paying immigration fines to speed deportation and confronting UNHCR representatives with a demand that they hand over minors to the Department of Immigration--should remove any doubt of the extent of their efforts to ensure a more draconian interpretation of immigration laws for Tibetans attempting to transit Nepal. The Embassy will continue to urge the GON to respect international norms and practice--and avoid international censure--by turning over these "persons of concern" to UNHCR.

BOGGS